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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 11 2002

Application of: Benfey et al.

Application No.: 09/578,827

Group Art Unit: 1638

TECH CENTER 1600/2900

Filed: May 24, 2000

Examiner: Collins, Cynthia E.

For: SHORT-ROOT GENE, PROMOTER,  
AND USES THEREOF

Attorney Docket No.: 5914-078

Confirmation No.: 5552

**FEE TRANSMITTAL SHEET**

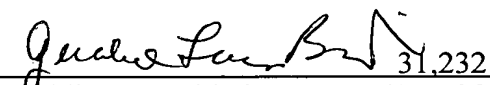
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The fee required to be filed with the accompanying Amendment Under 37 C.F.R. § 1.111 of even date herewith concerning the above-identified application has been estimated to be **\$0.00**. Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.

Respectfully submitted,

Date: July 3, 2002

  
Geraldine F. Baldwin (Reg. No.) 31,232

**PENNIE & EDMONDS LLP**  
1155 Avenue of the Americas  
New York, New York 10036-2711  
(212) 790-9090

Enclosure



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**AMENDMENT UNDER 37 C.F.R. § 1.111**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action dated January 3, 2002 (Paper No. 16), please enter the following amendments and consider the remarks below in connection with the above-identified application, which are intended to put all the claims into form for allowance.

Applicants submit concurrently herewith the following documents:

- (a) Appendix A, a marked up version of the claims showing the amendments made herein;
- (b) Exhibit 1, a copy of Bevan *et al.*, GenBank Accession No. AL035605, dated March 4, 1999;
- (c) an Amendment Fee Transmittal; and
- (d) a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of three (3) months up to and including July 3, 2002, accompanied by authorization to charge the appropriate fee.

**IN THE CLAIMS:**

Please amend the claims as follows:

Please cancel claim 30 without prejudice. Please amend claims 22-24 and 31-33 to read as follows: